

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELMSFORD APARTMENT ASSOCIATES, LLC  
36 APARTMENT ASSOCIATES, LLC, and  
66 APARTMENT ASSOCIATES, J.V.,

Plaintiffs,

- against -

ANDREW CUOMO, as Governor of the State  
of New York,

Defendant.

ORDER TO SHOW CAUSE

Case No. 20-cv-04062 (CM)

UPON the Complaint, dated June 3, 2020, the Declaration of Mark A. Guterman, Eqs., dated June 3, 2020, the Declaration of Stephen J. Lehrman, dated June 3, 2020, and the exhibits annexed thereto, and upon the Memorandum of Law, annexed hereto; and

UPON advance notice having been provided to counsel for the Defendant of Plaintiffs' intent to submit the instant motion for a Temporary Restraining Order and Preliminary Injunction pursuant to FRCP 65; and

UPON all parties having appeared before me by counsel on \_\_\_\_\_, 2020, and due deliberation having been given to the parties' arguments made by counsel in support and in opposition to the motion, respectively; it is hereby

ORDERED, that the Plaintiffs' motion for a Temporary Restraining Order brought by this Order to Show Cause is hereby \_\_\_\_\_; and it is further

ORDERED, that implementation and enforcement of the Defendant's Executive Order 202.28, dated May 7, 2020, is hereby enjoined; and it is further

ORDERED, that the Defendant show cause before the Hon. \_\_\_\_\_, USDJ, at hearing on Plaintiffs' application for a preliminary injunction pursuant to FRCP 65, to be held at the Courthouse, located at 300 Quarropus Street, White Plains, New York, Courtroom \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on that date, or as soon thereafter as counsel may be heard why an ORDER should not be entered granting a preliminary injunction which enjoins the implementation and enforcement of the Defendant's Executive Order 202.28, dated May 7, 2020; and it is further

ORDERED, that the service of this Order to Show Cause and the papers upon which it is based has been accomplished through the filing of same on the Court's electronic docket; that responsive paper be filed on the docket by not later than \_\_\_\_\_, 2020 and that reply papers, if any, be filed on the docket by not later than \_\_\_\_\_, 2020.

**SO-ORDERED**

\_\_\_\_\_  
HON.

\_\_\_\_\_  
USDJ

Dated: June \_\_\_\_\_, 2020